



# United States Department of the Interior

## BUREAU OF RECLAMATION

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Denver, CO 80225-0007

IN REPLY REFER TO:  
84-21210  
1.1.3

April 3, 2019

VIA EMAIL ONLY: 70604-50403293@requests.muckrock.com

Beryl Lipton  
DEPT MR 70604, 411A Highland Avenue  
Somerville, MA 02144

Subject: Freedom of Information Act (FOIA) BOR-2019-00125 Final Response Letter

Beryl Lipton:

The Reclamation Denver FOIA office received your FOIA requests, dated March 15, 2019 for information related to FOIA funding, staffing and activities. Specific information requested is addressed below, where applicable, and referenced annual reports are provided as enclosures. In general, FOIA activity reports and/or records are limited to what is available in the Department of the Interior's electronic FOIA tracking system (EFTS).

- Budget materials for the years 2017, 2018, and 2019, all budget materials or plans applicable to offices responsible for processing and response to FOIA requests and appeals submitted to this Bureau and its offices.
  - Budget planning materials are pre-decisional documents and not available for public release under exemption 5. Regions and offices, within Reclamation, manage FOIA activities and funding under region/office-specific reporting hierarchies however FOIA operating costs are managed as labor costs for federal employees working within each region or office's FOIA program staff. The attached annual FOIA reports show FOIA personnel and costs for reporting years 2017 and 2018.
- Staffing orders/reports/contacts for the years 2017 and 2018, staffing reports and plans, including the count of employee numbers and for offices responsible for processing and responses to FOIA requests and appeals submitted to this Bureau and its offices.
  - Staffing is reported in the attached annual FOIA reports.
  - There is no report for “total numbers of hours worked for FOIA personnel” nor is there a monthly report.
  - “Staffing reports” are not managed separately or monthly and annual reporting is based on a cumulative count of Reclamation personnel working on FOIA activities as full or part time, staffing is determined by need at the region/office level with a minimum of one assigned Regional FOIA Contact and a full-time Bureau FOIA Officer.
  - Reclamation FOIA personnel and contact information is available at <https://www.usbr.gov/foia/contacts.html>
- FOIA requester categories

- Reclamation does not track number of requests, per category designation, in a separate report or aggregate form.
- FOIA fee waivers
  - FOIA fee waivers are available in the attached annual reports for 2017 and 2018.
  - Tracking numbers for each waiver are not available in a separate report.
- FOIA fee collection
  - FOIA fees collected are available in the attached annual reports for 2017 and 2018.
    - Additional reports do not exist to capture “total estimated processing and copy fees quoted to FOIA requesters” or “total processing and copy fees collected by this Bureau from each fee category”
    - An “aggregate form” or report does not exist that captures “FOIA tracking number”, “requester fee category”, “amount processing and copy fees associated with the request”, or “the status of the requester’s payment for the request”
    - Bureau logs only provide FOIA Number, Request Date, Receipt Date, Completion Date, Requester Name (Redacted under exemption 6), Bureau, Status, and Subject
- FOIA Policy Staff audit reports or summaries
  - FOIA audits are conducted with reports generated from EFTS. The system has pre-defined “Open Request” and “Completed and Closed Requests” reports that used for these audits.
  - Summary reports for 2017 and 2018 audits are attached as enclosures.

The undersigned is responsible for the no records response where applicable. If you feel that records are available, you may contact the undersigned directly or the Reclamation FOIA Officer/Public Liaison for resolution. If you feel that your request was not resolved adequately you may then appeal the resolution with the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe Reclamation's response is in error. You must also include with your appeal copies of all correspondence between you and Reclamation concerning your FOIA request, including your original FOIA request and Reclamation's response. Failure to include with your appeal all correspondence between you and Reclamation will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

Attn: FOIA/Privacy Act Appeals Office

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The fee incurred in responding to your request is less than \$50 and is not being charged in accordance with 43 C.F.R. § 2.49(a)(1). You may contact the Reclamation FOIA Public Liaison, at (303) 445-3292, via mail at the above letterhead address; or via email at [borfoia@usbr.gov](mailto:borfoia@usbr.gov) for any issues or concerns concerning this response.

Thank you,

## Jesse Caro - Acting Reclamation FOIA

## Enclosures